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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3855 OF 2007**

**IN**

**FIRST APPEAL NO.2452 OF 2006**

| Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders | Court's or Judge's Orders |
|---|---|

Mr.R.G.Ketkar for the applicants.

Mr. S.M.Vidyarthi for the respondents.

**CORAM : ANOOP V. MOHTA,J.**

**DATED : 22nd August, 2007**

**P.C.**

1. Considering the facts and circumstances of the case, the death of husband of applicant No.1 is inestimable. The entitlement of compensation as claimed just cannot be denied. However, there is an appeal preferred by the New Insurance Company only (Opponent No.1) and not by others, like driver and owners. I am of the view that, the applicant is entitled to

withdraw the amount to the extent of Rs.175,000/- i.e. 1/3rd of the total amount granted (Approx). The applicant, is therefore, allowed to withdraw Rs.75,000/- without security and balance amount of Rs.1,00,000/- on furnishing the security to the satisfaction of the trial Court.

2. The balance amount which is lying in the trial court, need to be invested in any Nationalized Bank initially for three years and renew the same from time to time till the final disposal.

3. The Civil Application is disposed of accordingly.

**[ANOOP V. MOHTA, J.]**